

UNITED STATES DISTRICT COURT for the Southern District of Florida

Civil Action No:

Plaintiff

Raziel Ofer

942 Pennsylvania Ave

Miami Beach, FL 33139

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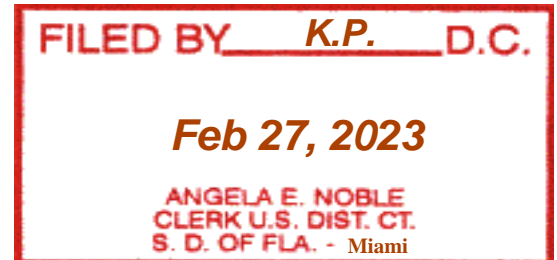
Defendants

1250916 Ontario Limited

Stewart Title Guarantee Company, 3401 Werst Cypress St, Tampa, FL 33607

Barry Mukamal, Trustee

Evan Kagan



COMPLAINT

BACKGROUND

This is a PRO SE complaint by Raziel Ofer and Robert Mendez, the principals of 942 Penn RR LLC.

- 1. CLAIM TO STAY ALL PROCEEDINGS IN BANKRUPTCY COURT PENDING THE FEDERAL LAWSUIT AGAINST DEFENDANTS ONTARIO, STEWART TITLE, EVAN KAGAN AND THE TRUSTEE, INCLUDING THE PROPOSED FRAUDULENT AUCTION.**
- 2. CLAIM FOR DAMAGES AGAINST 1250916 Ltd, BARRY MUKAMAL (Trustee), STEWART TITLE GUARANTEE COMPANY and EVAN KAGAN (Ontario's Lawyer and Escrow Agent).**

As a background, attached as Exhibit A is a motion to Bankruptcy Court. However, this claim in Federal Court isn't on the issues raised in the motion to BK Court (Exhibit A), but on a claim for STAY and Damages against all defendants, as above.

This is not a typical Bankruptcy (BK) case, here the debtor owns a property worth over \$15M with a real debt of maximum \$300K, it only filed for BK on a recommendation of a BK Lawyer who now admits it was malpractice. Of course, the trustee now attempts to inflate all claims (POCs) and his fees so that the property cannot be redeemed.

The trustee realizes that he has no defense to his criminal conspiracy, his scheme has been exposed, so now he attempts a ridiculous character assassination against Ofer.

Here comes a trustee who is attempting to convert a malpractice chapter 11 filing into a chapter 7 filing, in order to enrich himself, this will not happen.

There is a sad issue in this case, the presiding Judge, Laurel Isicoff, is under criminal investigation by the FBI, along with her business partners, Stuart Kalb, Roniel Rodriguez and the Trustee, her actions are being closely watched. At a hearing on 2/22/2023, Judge Isicoff claimed that the FBI investigation is because Mr OFER has a friend at the FBI. When I said that such comment is nothing short of outrageous, the Judge responded that this was a joke, or a sarcastic comment. Regardless of the word she used, a Court hearing is not a comedy show....The Judge clearly said, on the record, that the FBI investigation is a result of Mr Ofer's friend at the FBI. In other words, here comes Judge Isicoff telling the world that the FBI is corrupt, not that she is under investigation for bribes, not just in this case, but in

numerous cases. A Judge who questions the integrity of the FBI, cannot be a Judge.

This is the same Judge who threatened Ofer with Felony when he said that he has a legal recording, in a public place that implicates Judge Isicoff with a criminal conspiracy by Stuart Kalb and Roniel Rodriguez and that this recording discusses the grand theft they committed. Judge Isicoff instead of asking to listen to the recording and hold an evidentiary hearing, threatened me with Felony, not realizing the Judge itself committed an extortion by threatening me with felony.

This Judge also ignored anti-semitic comments about me backed by sworn affidavits.

It is likely that given the circumstances, Judge Isicoff will attempt to distance herself from the trustee & Ontario's criminal conspiracy.

However, due to a clear conspiracy by the trustee & Ontario not to claim against the Title company, Stewart Title, this lawsuit in Federal Court is necessary in order to STAY proceedings in BK Court and also to determine the damages claim by myself against all defendants. I and Robert Mendez personally guarantee the Ontario Loan.

In this case, Ontario's lawyer and escrow agent, Evan Kagan, stole \$400K from the funds due to 942 Penn RR LLC (Penn), resulting in massive damages to Penn. Under the loan agreement and in the title insurance by Stewart Title, Ontario had to pay the first mortgage, Immokalee, in full on the day of the closing of the Ontario loan, 17th Oct 2017. At the time the balance of the Immokalee loan was \$260K. Now the trustee has settled with Immokalee for \$1,150,000, so the trustee is trying to load Penn with debt as part of its criminal conspiracy, as described below.

Having said the above, I believe that Judge Isicoff now realized that she was wrong, perhaps as a result of the FBI investigation, a clear example is that at a hearing on 2/22/2023, to approve the 'compromise' settlement between the trustee and Ontario, she verbally approved the settlement and then let me speak. When I elaborated that this is a criminal scheme as the Trustee and Ontario refuse to bring in Stewart Title, who underwrote a policy to protect the \$1.2M, she stopped me and turned to the trustee saying, 'you misled me', or something to this extent, asking him for a caselaw, which he didn't have. The Judge in an extraordinary move immediately vacated her order and arranged a new hearing, without a motion for reconsideration. It appears that the Judge now realize that the trustee is misleading her from the very beginning.

However, due to the circumstances, we ask for a Stay of all proceedings in BK Court and to bring Stewart Title into the case, as the trustee and Ontario, refuse to do it due to the conspiracy described below.

1. The trustee's arguments reach new highs in this criminal conspiracy, it can be branded:

'THE TRUSTEE LIES, FRAUD, FRAUD ON THE COURT AT ITS BEST'.

This outrageous and fraudulent argument by the so-called trustee is only designed to help the criminal conspiracy by the trustee, Ontario, Stuart Kalb, Roniel Rodriguez, etc, in stealing millions of dollars from the debtor. The Debtor, Ofer & Mendez (DOM) never agreed to any fraudulent settlement between the trustee and Ontario, let alone an absurd request for an injunction. In fact, at the JSC, Ontario insisted on keeping the 'right' to pursue Ofer & Mendez personally based on their PG, so they knew that we'll counter claim. Now when Ontario and the trustee realize that DOM are aware of the Stewart Title Policy (STP) and the fact that Ontario must claim against STP, then out of the blue they request for a ridiculous injunction. Unbelievably, the injunction they request is that DOM can't sue Ontario, but Ontario can sue OM on their PG.

Although the JSC was presided by the honorable Judge Hyman, the trustee insisted on managing the 'negotiation' with Ontario by himself, not letting Judge Hyman intervene.

The criminal scheme is simple, the trustee and Ontario (TO) are interested to stop DOM from redeeming the property, so that the property can be sold to their brokers friends on behalf of the so-called trustee and Ontario (It was Ontario who selected this so-called trustee). So, TO doesn't want to claim against the title policy, which they've to by law, instead they prefer to claim against Debtor.

When the trustee was crossed in a hearing in BK Court, he claimed that he has no knowledge of the Stewart Title Policy, but then admitted that he doesn't understand in title policy. He added that he has no idea why Ontario did not claim against Stewart Title.

No Judge will let this criminal fraud to prevail.

The trustee's response claims that without an injunction Ontario wouldn't have agreed to the settlement. How dare the trustee once again attempt to mislead the Court, as above, Ontario insisted to keep it's right to pursue OM for their PG, not asking for an injunction. The Ontario claim will be determined by Federal Court.

2. If the trustee and Ontario are confident that justice is being done and their actions are legal, then why would they insist on injunction so that they can't be sued. As above, they insisted on the right to prosecute OM based on their PG, so did they mean that they can do it but OM can't counter claim.

The idea of 'injunction' so that DOM can't sue TO is nothing but sickening, a clear criminal conspiracy by TO. DOM does not want Ontario to enter into this settlement agreement, so Ontario's claim that they wouldn't enter into this fraudulent settlement agreement is nothing but further criminal fraud, the Court will not be part of it.

The settlement as appear in the Trustee's response is as follows:

THE SETTLEMENT: Subject only to entry of a final, non-appealable order of the Bankruptcy Court approving the Settlement in its entirety and granting the Trustee's motion to approve the Settlement (the "Approval Order"), the Settlement Parties agree, in full and final settlement of (i) any and all claims that Ontario may possess against the Bankruptcy Estate, the Trustee, and/or the Debtor, including, but not limited to, the Ontario POC, and (ii) any and all claims that the Bankruptcy Estate, the Trustee, and/or the Debtor may possess against Ontario, including, but not limited to, the Counterclaim, as follows:

So, the trustee is seeking injunction that OM can't sue TO, but Ontario can still sue OM for their PG, unless OM agree to join this agreement, which they strongly object to.

3. None of the case laws brought up by the trustee deal with a similar case, where Ontario and the trustee have a legal duty to approach Stewart Title for payment of the damages caused by the theft of their lawyer and escrow agent, Evan Kagan. This is a criminal scheme, as described above, see trustee's obligations in chapter 11:

In a Chapter 11 case, the trustee's role is to reorganize a debtor's business obligations, debts, and assets to emerge from bankruptcy and continue operation.

Here, a corrupt trustee is trying to load more debt on the debtor so the property can be sold to the trustee and Ontario, through their brokers, hence the trustee and Ontario are ignoring their legal duty to claim damages from Stewart Title, who underwrote the title policy insuring Ontario against a theft of the \$1.2M by their lawyer and escrow agent.

There is no case law granting an injunction where a trustee and a creditor are conspiring to defraud the estate, particularly here in well above water and surplus estate.

For example, If my car hit another car at the back, than I need to pay the other car, but all I've to do is to give the other driver my insurance policy, he can't tell me I insist on you paying me, not your insurance.....

Again, the issue isn't an injunction, but the Trustee and Ontario's obligation to claim against Stewart Title.

3. The issue with Ontario isn't about the injunction, but about the fact that the entire settlement is full of fraudulent allegations, Ontario POC is clearly a criminal claim:

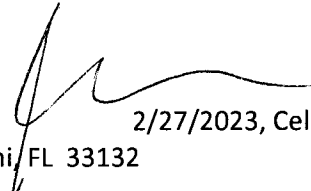
1. This settlement is fraudulent and criminal.
2. The Trustee was aware that Ontario, as appears in Ontario's motion for MSJ and in the Stewart Title Policy, was contractually obligated to pay Immokalee in full at the closing of the Ontario Loan, in Oct 2017. Itle Policy.
3. Ontario failed to do it as their Lawyer and escrow agent, Kagan, misappropriated \$400K.
4. The balance at the time to Ontario was around \$260K, now the Trustee settled with Immokalee for \$1,150,000.00.
5. What happened afterwards is irrelevant, Ontario based on Stewart Title Policy and the mortgage note had a contractual obligation to pay Immokalee at closing and they did not. Ontario is the one who must pay Immokalee, they agreed to it with the debtor and with Stewart Title. The debtor or Ofer have no legal standing to tell Ontario's lawyer what to do. If anything, for example, the debtor or Ofer would have told Kagan not to record the mortgage at all.....
6. Stewart Title insured the \$1.2M and they must pay compensation to all injured parties, including 942 Penn.
7. This settlement must be rejected, as the only issue is how much money Ontario has to pay 942 Penn, not what 942 Penn have to pay Ontario.
8. Also, Ontario now have one Judgment for \$1.2M against Kagan from a CA Federal Court and now they try to collect the same amount also from 942 Penn. This has criminal implications. Not to mention that they've already collected money from Kagan, by selling his house in LA and apartment in Sunny Isles, Miami. Ontario is refusing to provide a sworn affidavit of how much money they already collected from Kagan, let alone that with their CA Judgment they can collect from him at anytime in future.
9. The trustee's Lawyer, Scott Brown, said that this is legal as it's cross state collection. This is fraud on the Court, as this is obtaining 2 Judgments against 2 different entities, for the same money, not 'cross state collection'.

I ask the Court to issue an injunction STAYING all proceedings in BK Court including the pending auction sale of the property pending determination by this Court (Federal Court) of the Ontario claim and the counter claim against Ontario.

The damages claim against the defendants is as follows:

1. 1250916 Ontario Ltd - \$3M or as determined by this Court.
2. Barry Mukamal – Trustee - \$2M or as determined by this Court.
3. Stewart Titel Guarantee Company - \$1.2M or as determined by this Court.
4. Evan Kagan (Ontario's Lawyer and escrow agent) - \$2M.

Respectfully Submitted,

Raz Ofer  2/27/2023, Cell – 646 4317934. 851 NE 1st
Ave, Miami, FL 33132